

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAN LONG,)	CASE NO. _____
Plaintiffs)
)
)
vs.)	
)
CHRIS BECKER, Individually		COMPLAINT AND
and as SHERIFF OF HARLAN COUNTY,		REQUEST FOR
NEBRASKA		JURY TRIAL
Defendants.)
)
)
)
)
)

INTRODUCTION

COMES NOW the Plaintiff Jan Long, and for their cause of action against Defendant, Chris Becker, alleges and states as follows:

1. This is an action for injunctive and monetary relief against the Defendants for acts in violation 42 USC § 1983, of Plaintiff's due process rights as guaranteed under the First and the Fourteenth amendment to the US Constitution.

JURISDICTION AND VENUE

2. The jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §1343 to hear and redress the deprivation of rights guaranteed under federal law.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 as all of the acts complained of occurred in this judicial district.

PARTIES

4. Plaintiff is a residents of Alma, Harlan County Nebraska and was a duly appointed Deputy Sheriff of Harlan County.

5. Defendant Chris Becker is the duly elected Sheriff of Harlan County at all time he was acting under color of law and was the final policy maker of the Sheriff's office.

6. Plaintiff was appointed Deputy Sheriff November, 1998.

7. Plaintiff at all times performed competently and in the bounds of the laws.

8. Plaintiff has complained to the Defendant about irregularities in the collection and maintenance of evidence and the presentation of reports to the prosecutor, the Plaintiff had determined he was going to run a write in campaign for Sheriff.

9. The Harlan County Sheriff's office has department standard operating procedure with respect to disciplinary action which are to be by memorandum, which shall clearly state:

- a.) The specific offense under section 3c leading to disciplinary action.
- b.) The specifics of the conduct or behavior involved.
- c.) A statement indicating that the behavior involved will not be tolerated and that future instances will result in more severe disciplinary action.

10. Plaintiff had never been disciplined pursuant to said policy in the nearly nine years he had been employed by the Defendant.

11. Plaintiff, on September 18, 2006 was told by Defendant he was being terminated and "the Commissioners wanted him gone."

12. Plaintiff has since learned that the Commissioners did not take formal action to

terminate him and in fact he is informed and believes the majority of the Commissioners did not want him terminated.

13. Plaintiff was terminated by Defendant Becker, September 18, 2005 and was provided a letter which stated "As of today your position as Deputy Sheriff has been terminated." "The termination comes as the result of repeated verbal reprimands and misconduct."

14. Plaintiff asked for what verbal reprimands and misconduct the Defendant was referring to and Plaintiff requested more specific information but non has been provided to him. Plaintiff in fact had no verbal reprimands nor committed no misconduct in accordance with the work.

15. Plaintiff had a property interest in his employment and was not to be fired but for cause.

16. The Defendant had no just cause to terminate the Plaintiff.

17. The Plaintiff has filed for a write in campaign for Sheriff.

18. Since the filing for a write in campaign the Defendant Becker has contacted the press and made false malicious and untrue statements about the Plaintiff and about the reason for his termination in an attempt to damage his character, his good name and his opportunity to practice his chosen profession of law enforcement.

FIRST CAUSE OF ACTION

19. Plaintiff incorporates paragraphs one through eighteen as though fully set out herein verbatim.

20. Plaintiff had a property interest in his employment, which was taken from him without due process of law, in violation of the 14th amendment to the United States Constitution..

21. Plaintiff had a liberty interest in his good name which was taken from without due process of law in violation of the 14th amendment to the United States Constitution.

21. Defendant's termination of the Plaintiff and /or his giving made false malicious and untrue statements about the Plaintiff and about the reason for his termination was motivated by Plaintiff's speaking on matters of public concern, and his running for office in violation of the First Amendment to the United States Constitution.

22. The actions by Defendants are the direct and proximate cause of damages to Plaintiff.

23. As a result of the actions of Defendants, Plaintiff has suffered lost wages past and future, emotional distress, damage to his personal and professional reputation, and humiliation.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests this court to assume jurisdiction over this case and:

- a) Declare the acts described herein as violating statutory rights guaranteed to the Plaintiff;
- b) Order Defendants to refrain from similar acts in the future;
- c) Award damages to compensate Plaintiff for lost wages past and future, damage to reputation, emotional distress, and humiliation;

- d) Assess punitive damages against the Defendant to the maximum extent allowed by law; and
- e) Award the Plaintiff fair and reasonable attorney fees herein incurred.

REQUEST FOR JURY TRIAL

Plaintiffs hereby request that a Jury Trial be held in Lincoln , Nebraska.

Respectfully submitted,

JAN LONG, Plaintiff

By: s/ Joy Shifermiller
Joy Shifermiller, #18164
SHIFFERMILLER LAW OFFICE
3930 South Street, Suite 101
Lincoln, NE 68506
(402) 484-7700